

CHESACO PARK

PLACE

BALTIMORE

COUNTY

REFUSE DISPOSAL

SUBJECT

December 20, 1960

DATE

ORIGINAL

REVIEWED	
DEC 20 1960	We
ANSWERS	

Robb Tyler, Inc.

On November 18, the writer and Mr. Dodge of this office, Mr. Silbermann of the Water Pollution Control Commission and Messrs. Devlin and Greenwalt of the Baltimore County Health Department, accompanied by Mr. Tyler, inspected Mr. Tyler's Refuse Disposal operation near Chesaco Park.

At the time of the visit it was observed that more or less indiscriminate dumping was taking place at many sites over the disposal area; there were many areas in need of more adequate inert cover material; open burning of wood and other refuse was taking place in one area; smoldering fires in incinerator ash, both from Mr. Tyler's and Baltimore City's incinerators, were burning in several areas; the screen at the top of the cone type incinerator was not complete, permitting the escape of large sparks and ash and there were many random piles of salvable material on top of the dump which detract from the appearance of the site.

The conditions at this refuse disposal site as described above do not constitute proper operation in that the random dumping makes proper compaction and coverage a virtual impossibility which in turn increases the probability that rodent and insect breeding will occur and flourish; the open and smoldering fires present smoke and odor nuisances, of which many complaints have been received; the incomplete screen presents a spark and ash nuisance and the general appearance of the site can be considered an eye-sore to the community.

To obtain a satisfactory, nuisance free refuse disposal operation at this site it is recommended that Robb Tyler, Inc. be required to make the improvements detailed below:

1. All dumping must be restricted to an area which can be compacted and covered daily by the use of bulldozers or other mechanical equipment. If such restriction cannot be obtained by operating personnel, physical barriers to direct and restrict dumping will have to be erected.
2. All incinerator ash must be compacted and levelled daily.
3. The top and faces of all areas in which refuse has been deposited must be provided with an adequate cover of inert material, with the exception of the face of the active area.

DATE	FROM	TO	REMARKS

ACTION TAKEN

DATE

incinerator
inadequate
cover
fires
sparks

CHESACO PARK

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ORIGINAL

4. All open burning of refuse, including untreated wood and paper must be stopped.
5. Incinerator capacity must be increased so that all material to be burned can be burned under carefully controlled conditions.
6. The screen on top of the present incinerator must be completed and maintained in good repair to prevent the escape and blowing of sparks, ash and paper.
7. Facilities, including an adequate water supply, must be provided for the complete extinguishment of fire in material removed from incinerators on the site and material transported to the site from the Baltimore City incinerator.
8. All salvage operations should be conducted in a neat and orderly manner with frequent removal of salvaged material from the site.

It is further recommended that no permit to operate a Refuse Disposal System be issued, by the State Board of Health, to Robb Tyler, Inc. or any affiliated companies until such time as the above improvements are completed and satisfactory operation is obtained.

Raymond W. Judd

RWLjr:ib

cc: C.H.O.

Water Pollution Control Commission

1/2

DATE	FROM	TO	REMARKS
12/22	W.S.	P.	Do you think we should have a meeting with Tyler and others - his temporary permit has now expired? ✓ B
ACTION TAKEN			DATE

DATE		
REVIEWED		He
		me

FEBRUARY 4, 1961.

51

PLACE
CHESACO PARK

COUNTY
BALTIMORE

REFUSE DISPOSAL

Robb Tyler, Inc. Landfill

On February 20 accompanied by Messrs. Devlin and Miles; Baltimore County Health Department, an inspection was made of the Robb Tyler, Inc., refuse disposal site near Chesaco Park to determine if any recommendations outlined in a memorandum of December 20 had been carried out. At the time of this visit it was determined that a newscreen had been placed on the top of the existing incinerator thus preventing the blowing of paper and ash from the incinerator. All other operations at this site continue essentially as described in the December 20 memorandum and all recommendations still apply.

R:Ljr:hc
cc: C.H.O.

APR 11 1961

April 11, 1961

On March 30, Mr. Robb Tyler, his attorney Mr. Orrick, Mr. Silberman of the Water Pollution Control Commission, Mr. Devlin of the Baltimore County Health Department, Mr. Schmidt, our Attorney, and Mr. Bingley, Mr. Ludlow and I attended a meeting in this office to discuss the operation of Mr. Tyler's dump at Chesaco Park.

In the spring of 1960 a similar meeting was held to discuss odor and smoke nuisances and to learn of Mr. Tyler's plan to operate more efficiently. It was learned that he was planning to install an incinerator to burn small trash and some mixture of trash and garbage. He needed a trial period and we agreed to let him continue to operate for six months, after which we would again review his problem. He was hopeful the incinerator would reduce the volume of wastes to ash and effectively control odors and smoke. He also promised better control over locations for dumping, burning, and the covering of certain types of deposited material.

During the six months interval, and up until the March meeting we continued to receive complaints. Visits to the site by personnel from the county and this office confirmed the presence of burning, smoke and odors.

Mr. Tyler stated he had difficulty with the screen on the incinerator but thought he had corrected its shortcomings. All told he did not appear satisfied with its performance and is now planning to review other types and to install twin incinerators with a loading mechanism and forced draft system. He indicated this should materially improve his operations.

In his operation he receives demolition lumber which needs no cover and is designated to be dumped at a specific location. Frequently, mixed with it, there are other wastes, particularly solvents, paints, etc., that sooner or later become

[illegible]**ACTION TAKEN**

DATE _____

C ESACO PARK
PLACE

BALTIMORE
COUNTY

REFUSE DISPOSAL
SUBJECT

52
April 11, 1961
DATE

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ignited and liberate odors and smoke. He plans to try to institute better over this.

Mr. Tyler attributed some of the fires on his dump to the fact the ash received from the Baltimore City incinerator was not adequately cooled and quenched with water, therefore, upon being spread on the dump surface, fires are started. Extinguishing these would require an adequate number of fire hydrants or portable equipment. He is to investigate his present facilities in the interest of making them adequate. He is also to explore a revised assignment for the placing of new material in an effort to obscure, as much as possible, the visibility of his operations from the residents of Chesaco Park.

In order to permit Mr. Tyler to secure new incinerators and bring about other corrective measures, we agreed to extend his period of temporary operation for 90 days. This will extend into the beginning of warm weather when a better index of operation, and the possibility of complaints can be jointly appraised. If our efforts by that time have proven unsuccessful it is suggested we request the responsible public agencies to institute mandatory requirements which must be met as the alternative to the termination of operation.

J. R. McCamas

JRM:G
Cc. CHO
WPC
Mr. Schmidt

REVIEWED	B
JUN 14 1961	me
ANSWERED	me

Robb Tyler, Inc.

On June 7, accompanied by Mr. Robb Tyler, an inspection was made of the Robb Tyler, Inc. refuse disposal operation at Chesaco Park. Operations at the site appeared to have materially improved since the writer's last visit. Only one small fire of untreated wood was noticed and very little smoldering incinerator ash was in evidence. The face of the fill in several areas had been cleaned up which has materially improved the general appearance of this operation. At the present time, the incinerator is being used only for the burning of loose material. No packer type trucks are being unloaded into the incinerator.

Dumping operations are being confined to one relatively small area with the

DATE	FROM	TO	REMARKS
ACTION TAKEN			DATE

CHESACO PARK
PLACEBALTIMORE
COUNTYREFUSE DISPOSAL
SUBJECT53
June 14, 1961
DATE3
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intent of blocking the main disposal area from the view of the residents of Chesaco Park.

Mr. Tyler is continuing negotiations with Baltimore County toward improving the incinerator operations primarily by the installation of conveyor belt, firing mechanisms, and a forced draft system.

It is felt that if the improvements noted at this inspection continue, and further improvements of the operation are made that this office would be justified in issuing an operating permit.

RWLjr:ib
cc: C.H.O.

REVIEWED	
AUG 28 1961	
ANSWERED	

Raymond W. Ludlow

Today Mr. Raymond Ludlow and I attended a hearing conducted by Mr. John G. Rose, Zoning Commissioner of Baltimore County, held in the County Office Building, concerning complaints relative to the refuse disposal operations of Robb Tyler and Henry Siejack.

Attorneys for Siejack and Tyler confessed they were operating open dumps and not sanitary land-fills. It was pointed out that open dumps are not permitted in the area of their operation which automatically made it obvious they were in violation of the zoning laws of the County. Numerous persons testified as to smoke, flying ash, odors, rats and other nuisances. Tyler operates an incinerator for which a building permit was denied.

Mr. Rose concluded the meeting by declaring the operations were in violation of the zoning laws but as spelled out in the law under which he operates, he had to extend their operating period for 60 days. He informed the operators at the end of 30 days they may file petitions asking for exceptions in the zoning law to enable them to operate in a manner to be designated by them. Hereafter another hearing will be held and if he continues to find them in violation he will turn to the courts for legal enforcement. If he finds to the contrary, the complaints may turn to the courts.

In view of the confession that neither group are operating in accordance with permits issued by us, it appears in order for us to revoke our permits which are briefly identified on the attached papers and not to issue any form of permit until after the problem has been resolved with the County Zoning Commission.

JRMcc*G

cc: Mr. Louis Schmidt

James R. McCann

NAME	Mr. Robert M. Brown	REMARKS
C.H.O.		

ACTION TAKEN

DATE

REFUSE DISPOSAL PERMIT

CLOSED

Permit No. 60-34-0374

May 24, 1960

This is to certify that Refuse Disposal, Inc. and Robb Tyler, Inc. are permitted to operate a refuse collection and disposal service on property designated on a plat submitted to the State Board of Health on March 31, 1960, on property south of the Baltimore and Ohio Railroad and west of Red House Run, Baltimore County, and in accordance with an application dated May 19, 1960, entitled:

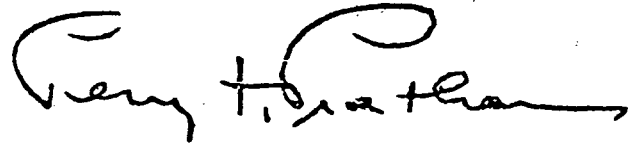
"Plat of Earring Run Valley
Exhibit to Application of Refuse Disposal, Inc.
and Robb Tyler, Inc. for Permit to Operate a
Refuse Collection and Disposal Service."

and

"Application for Permits to Operate a Refuse
Collection and Disposal Service."

This permit is to operate and be effective until
November 19, 1960, at which time it may be revoked or extended
by the State Board of Health.

As witness the seal of the State Board of Health and the
signature of the Chairman thereof this twenty-fourth day of May, 1960.



Chairman.

*for collection
file*

PFE
ORIGINAL

BALTIMORE COUNTY, MARYLAND : IN THE CIRCUIT COURT
a body corporate and politic :
VS : FOR BALTIMORE COUNTY
ROBB TYLER, INC., et al. : EQUITY NO. 47105
:

: : : : :

ORDER OF COURT

The above entitled cause having come on for a hearing and the counsel for the parties having been heard and the proceedings having been considered by the Court, it is this 11th day of September, 1962, by the Circuit Court for Baltimore County, in Equity,

ORDERED that the said Defendants, Robb Tyler, Inc., Refuse Disposal Inc. and Robb Tyler and Elizabeth Tyler, his wife, be hereby enjoined

I. From the maintenance of any operation which results in smoke, ashes, dirt, soot or odors which emanate from the property onto the lands and residences of the adjoining property owners and neighbors.

II. Any burning of waste products on the site of the sanitary land fill and/or open dump.

III. The receiving of smoldering ash from the Baltimore City incinerator or any other supplier.

IT IS FURTHER ORDERED that the said Defendants shall be required

to institute the following program to eliminate and abate the nuisance complained of in the foregoing matter:

PFE
ORIGINAL

1. Rat baiting and insect spraying program shall be established to prevent rodents from becoming a menace and abate insect nuisances. These Programs shall be established and continued in full accordance with the requirements and recommendations of the Maryland State Department of Health and the Baltimore County Health Department.

2. The general land filling operation shall be confined in such a manner as to allow the maximum flexibility of operation with the minimum number of operating areas on the site. Two general refuse disposal areas, operated on an alternate week schedule, will provide the flexibility required to allow for the previously mentioned twice-weekly covering without materially affecting the filling operation. While one area is being filled, ash residue can be stockpiled and conditioned adjacent to the next area in preparation for the following week's filling operation.

3. In order to maintain a reasonable depth of exposed face on the fill maximum depths of filling (including refuse and inert material covering) should not exceed ten feet. This depth is indicated by the type of refuse materials being disposed. After stabilization of the material at this level, future filling can proceed over the same area but the depth of each successive lift should not exceed this ten foot maximum.

4. Automobile tires and truck tires being disposed of in a separate area which creates a problem of both odor in case of fire and unsightliness should in the future, be mixed in the fill with all other refuse in order to prevent special nuisances growing out of the operation.

5. The method of disposing of flammable liquids in this land fill should be done in disposal areas well above the general water table in order to prevent the intrusion of ground water. At these sites the inert fill material shall be used to construct dykes around a small area of not more than twenty feet in diameter in which the flammable liquids can be dumped.

As liquid accumulates within this dyked area, a covering of inert material shall be utilized on a bi-weekly basis to prevent inordinate accumulation of liquid and to allow the liquid to be absorbed by the inert material. This procedure should be followed in not more than two areas on the site and should be used on alternate weeks until the small areas within the dykes are exhausted. At this time additional locations should be provided with dykes for use. In no instance should general refuse materials be mixed in the flammable liquid disposal operation. Oil received for disposal should be used periodically for laying dust where roadways are used over the filled area.

6. Any salvages materials, with the exception of oil drums and metal products, shall be removed from the site of the landfill daily in order to prevent an unsightly accumulation of this materials. Oil drums should be neatly stacked at one location of the site for periodic removal. Steel and other salvagable metal products shall be stored in suitable containers which, when filled, are to be removed from the site. Salvage operations shall be controlled in a manner which will prevent them from creating unsightly conditions on the landfill.

7. There shall be adequately supervision and manpower at the land filling operation at all times to maintain the appearance of the area in a generally good condition. This shall include personnel, on a continuous basis, to pick up any scattered trash that might spill from transporting vehicles and generally maintain the overall conditions of appearance.

8. Well organized fire fighting facilities such as pumps, hose, equipment and other tools shall be maintained at the site and personnel should be trained to combat fires as soon as detected.

(Signed) John E. Raine, Jr.

JUDGE



STATE OF MARYLAND
Department of Health
301 WEST PRESTON STREET
BALTIMORE 1, MARYLAND

Robb Tyler
Rosdals

22 PFE

ORIGINAL

REFUSE DISPOSAL PERMIT

65-32-0717

Date July 6, 1965

B-2
70901
CLOSED

This is to certify that Robb Tyler, Inc.

construct and place in operation means for the disposal of refuse by the sanitary landfill method

property at Pulaski Highway and 66th Street, Rosdals, Baltimore County

in accordance with application from Rowan, Mueller, Thomas & McLean, Attorneys at Law dated July 2, 1965

and plan and specifications received by the State Department of Health on July 6, 1965, entitled in part:

ROBB TYLER, INC.

Grading Plan, Sanitary Landfill - May 15, 1963

This permit becomes null and void one year from the date of issue, if not specifically extended, unless the work herein approved shall have been completed and placed in operation on or before said date.

As witness the seal of the State Board of Health and Mental Hygiene and signatures of authorized officials of the State Department of Health.

William J. Pyles

Perry F. Prather, M. D.
Commissioner

Robert M. Brown
Robert M. Brown, I. E.
Chief, Bureau of Environmental Hygiene

per:

James R. McComas, Chief
Division of Sanitary Engineering

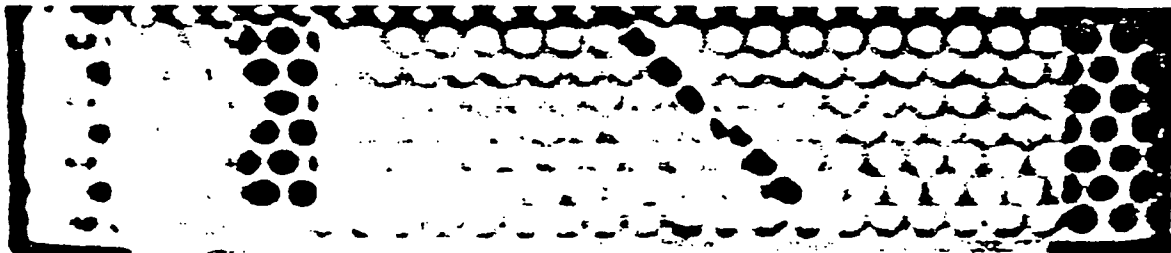
REF
ORIGINAL
(Red)

7/5/68
(date)

TO: DONALD SIEJACK
COLGATE PASTE DUMP
6721 PULASKI, NW4
BALTO-6, MD

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 25,
1967 as a result of open burning at 1020 AM on 7/5/68
(time) (date)
of INDUSTRIAL TRASH at the following
(material)
location 6721 PULASKI, NW4

[Signature]
Sanitarian



GM001700

0005334

PFE
ORIGINAL
(Red)

*Y-6 [unclear]
[unclear]
Siejack's*

July 8, 1968

Mr. Donald Siejack
Colgate Pay Dump
6721 Pulaski Highway
Baltimore, Maryland 21206

Dear Mr. Siejack:

On July 5, 1968 an open burning operation of industrial wastes at 6721 Pulaski Highway was observed by Mr. Richard W. Kulis, Senior Sanitarian, Bureau of Industrial Hygiene. Such open burning is in violation of the Baltimore City Air Pollution - Open Burning Ordinance No. 1062, approved June 26, 1967, a copy of which is enclosed for your information.

You will note that this ordinance became effective on July 1, 1968 and provides for a ban on the type of burning noted above. It also provides upon conviction for a fine not exceeding \$100 for each violation.

You are therefore notified to cease all open burning in accordance with Ordinance No. 1062 or it will be necessary for this Bureau to follow through with necessary court action.

Very truly yours,

Elkins W. Bahle, Jr.

Elkins W. Bahle, Jr.
Director
Bureau of Industrial Hygiene

END:rk

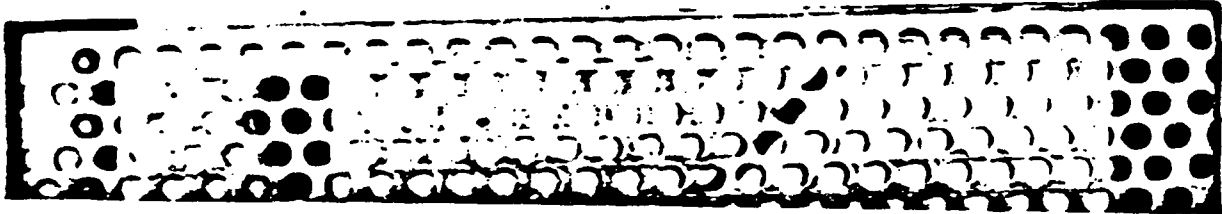
Enclosure

cc: Mr. Schucker

CERTIFIED MAIL

GM 001704
0005338

PFE
ORIGINAL
(Red)



BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

8-10-68
(date)

TO: Siepack's Scrap
6700 Blue Belts Highway

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26,
1967 as a result of open burning at 2:45 pm on 9-10-68
(time) (date)

of a combination of trash and other materials at the following
(material)
location in pits on south side of railroad tracks

M. P. Taylor
Sanitarian



GM 001699

0005333

BALTIMORE CITY HEALTH DEPARTMENT

MEMORANDUM

August 13, 1968

TO - Dr. Robert E. Farber, Commissioner of Health
FROM - Mr. Elkins W. Dahle, Jr., Director, Bu. of Industrial Hygiene
SUBJECT - SUMMONS

It is respectfully requested that permission be granted for the issuance of a SUMMONS for the Colgate Pay Dump, Mr. Donald Siejack, owner, for violation of the Air Pollution - Open Burning Ordinance No. 1062 of Baltimore City.

Elkins W. Dahle, Jr.

APPROVED:

Robert E. Farber, M.D.
Commissioner of Health

BWD:rbk

cc: Mr. Schaecker

GM 001697

0005331

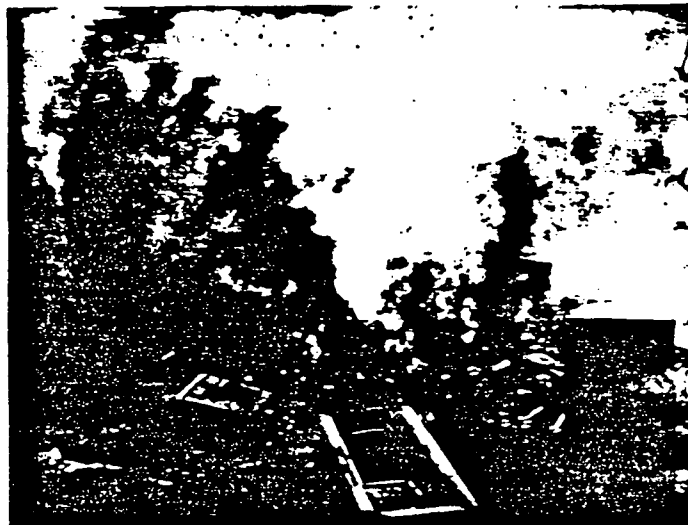
PFE
ORIGINAL
(Red)

8/14/68
(date)

TO: MR DONALD SIEJACK
COLGATE PASTY DUMP
6721 PULSKI HWY

The above person and/or company
Air Pollution - Open Burning
1967 as a result of open burning

of INDUSTRIAL WASTE
(material)
location 6721 PULASKI HWY



GM 001701

0005335

PDF
ORIGINAL
(Red)

129 - P. B.

In The Municipal Court of Baltimore City, Criminal Division, HOUSING Part

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING

Part

Arrest Register No. _____

Location Municipal Court Bldg- Madison & Guilford Issue date AUGUST 16, 19 68
To Colgate Pay Dump
Address Mr. Donald Siejack
6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitarian Baltimore City Health Department who charges you with

violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as
ordained by Ordinance 1062 approved June 26, 1967, on the premises of 6721
Pulaski Highway in that the said Donald Siejack did unlawfully permit open
burning of trash and other materials after being notified by the Commissioner
of Health on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____
☐ B. was committed on or about the 10th day of August, 19 68
and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 28th day of AUGUST, 19 68 at 9:00 o'clock A.M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

GM 001698

Name: _____
Complainant
Address: Winston J. Miller, Prin. Sanitarian
Baltimore City Health Department
Official Agency: Bureau of Industrial Hygiene
602 American Building

Postponed to
Sept. 5, 1968

0005332

(Seal)

Judge, Municipal Court of Baltimore City

PFE
ORIGINAL
(Rec)

BAITMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

8-20-68
(date)

TO: Mr Siejack
COLGATE PAYLOAD
Rear 6721 Pulaski Hwy
Baltimore, Md.

The above person and/or company was observed in violation of the
Air Pollution-Open Burning Ordinance No. 1062 approved June 26, 1968
as a result of open burning at 6:35 PM 8-20-68
(time) (date)

of Truck at the following
(material)

location Rear of 6721 Pulaski Hwy.

Elmer R. Ritz
Sanitarian

office closed and helper would not accept copy
of this notice.

0005327

GM 001693

PFE
ORIGINAL
(Red)

8/23/68
(date)

TO: DONALD SIEJACIK
COLGATE PAPER DUMP
6721 PULASKI HWY
BALTO, MD

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26,
1967 as a result of open burning at 1135 on 8/23/68
(time) (date)
of SCRAP WOOD at the following
(material)
location 6721 PULASKI HWY

[Signature]
Sanitarian

0005326

GM 001692

ORIGINAL
(Red)

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

10-2-68
(date)

TO: Mr. Siegel
Calgate Dry Road Dump
Road 6721 Pulaski Hwy
Baltimore, Md.

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1052 approved June 25,
1957 as a result of open burning at 7:00 PM to 8:00 PM 10-2-68
(time) (date)

of Trash material at the following
(material)

location Road 6721 Pulaski Hwy. Baltimore, Md.

E. Allen R. Ritz
Sanitarian

GM 001691

0005

ORIGINAL
(Red) PFE

CITY OF BALTIMORE
REPLY FORM

TO Health Dept.
American Bldg.
Smoke Control

FROM Customer Service
Room 10-A, Municipal Bldg.

SUBJECT

MESSAGE

DATE Oct. 3, 19 68

FOLD

1. 6700 Block Pulaski Highway - dump on fire - complainant Fire Alarm
called into Mr. Dahle at 6:40 PM 10/2/68
received 6:40 PM 10/2/68

SIGNED

REPLY

DATE 19

SIGNED

RECIPIENT:

RETAIN WHITE COPY, RETURN PINK COPY

GM 001689

0005323

ORIGINAL
(Rec)

PFE

BALTIMORE CITY HEALTH DEPARTMENT

MEMORANDUM

October 3, 1968

TO - Dr. Matthew Tayback, Acting Commissioner of Health
FROM - Mr. Elkins W. Dahle, Jr., Director, Bureau of Industrial Hygiene
SUBJECT - SUMMONS

It is respectfully requested that permission be granted for the issuance of a SUMMONS for the Colgate Pay Dump, Mr. Donald Siejack, owner, for violation of the Air Pollution - Open Burning Ordinance No. 1062 of Baltimore City.

Elkins W. Dahle, Jr.

APPROVED:

Matthew Tayback
Acting Commissioner of Health

EWDJr:pb

cc: Mr. Schucker

GM 001688

0005322

In The Municipal Court of Baltimore City, Criminal Division, HOUSING

129

Part

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING Part Arrest Register No. _____
Location Municipal Court Bldg- Madison & Guilford Issue date October 8, 1968
To Colgate Pay Dump
Address Mr. Donald Siejack
6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitarian Baltimore City Health Department who charges you with

violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as
ordained by Ordinance 1062 approved June 26, 1967, on the premises of 6721
Pulaski Highway in that the said Donald Siejack did unlawfully permit open
burning of trash material after being notified by the Commissioner of Health
on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____
☐ B. was committed on or about the 2nd day of October, 1968
and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 6th day of November, 1968 at 9:00 o'clock A. M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

Name: _____
Complainant
Winston J. Miller, Prin. Sanitarian
Address: Baltimore City Health Department
Official Agency: Bureau of Industrial Hygiene
602 American Building

GM

001687

(Seal)

Judge, Municipal Court of Baltimore City

presiding in Criminal Division HOUSING Part

NOTE: Section B is primarily for the use of the Housing Part.

3-M. C. B. C.

ORIGINAL

not guilty 10-6-68

0005321

ORIGINAL
(Red)

PFE

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

11-11-68
(date)

TO: Mr Donald Siejack
Calgate Bay Road Dump
Road off 6721 Pulaski Highway
Baltimore, Md.

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 25,
1967 as a result of open burning at 4:45 to 5:45 pm on 11-11-68
of Trash Material at the following
location Road off 6721 Pulaski Hwy, Balto. Md.

Saw Mr Siejack, who refused to
take violation notice, and ordered me
off premises. No attempt was being
made to put out fire in any manner.
man with bulldozer near fire and one
at gate.
E. R. Ritz

Elmer R. Ritz
Sanitarian

11-11-68

10⁰⁰
+ cost

GM 001683

0005

MEMORANDUM

November 12, 1968

ORIGINAL
(Red)

PFE

TO - Mr. George W. Schucker, Acting Commissioner of Health
FROM - Mr. Elkins W. Dahle, Jr., Director, Bureau of Industrial Hygiene
SUBJECT - SUMMONS

It is respectfully requested that permission be granted for the issuance of a SUMMONS for the Colgate Pay Dump, Mr. Donald Siejack, owner, for violation of the Air Pollution - Open Burning Ordinance No. 1062 of Baltimore City.

Elkins W. Dahle Jr.

APPROVED:

George W. Schucker
Acting Commissioner of Health

EWDJr:pb

cc: Dr. Farber

GM 001685

0005319

ORIGINAL
(Red)

PFE

Robb TYLER

v.

BALTIMORE COUNTY, Maryland, et al.

No. 56 Sept. Term, 1968.

Court of Appeals of Maryland.

Nov. 15, 1968.

Action against county, chief of public works, county health officer and director of permits and licenses for writ of mandamus ordering approval of application to operate sanitary landfill and directing issuance of such a permit. The Circuit Court, Baltimore County, Walter M. Jenifer, J., denied the writ and appeal was taken. The Court of Appeals, Smith, J., held that denial of permit by county for refusal of applicant to agree to improve access road to land in question, pay costs of future relocation of access road and to signalize road at railroad crossing would be arbitrary if road were a public road.

Remanded for further proceedings without affirmance or reversal.

1. Health §31

Refusal by county health department to approve application to operate sanitary landfill, based on fact that all owners of property and operators of landfill were not named in application, was arbitrary and unjustified.

2. Mandamus §10, 12

Petitioner in mandamus proceeding must show both a clear legal right to which he is entitled and an imperative duty on the part of respondent.

3. Mandamus §71, 72

Generally mandamus is not proper to review nonministerial acts of public officials or agents, but mandamus will lie to remedy arbitrary abuses of discretion.

4. Highways §140

County has right to place proportional assessment for improvement to public road on abutting property owner.

5. Railroads §243

The cost of signalization for protection of the public at intersection of railroad and public roads is not on operator of sanitary landfill who uses road as access road. Code 1957, art. 23, §§ 205, 227.

6. Health §31

Denial of permits by county for refusal of applicant for refuse disposal permit to agree to improve access road to land in question, pay costs of future relocation of access road and to signalize road at railroad crossing would be arbitrary if the road were a public road. Maryland Rules, Rule 871.

7. Health §31

Denial of permit by county for refusal of applicant for refuse disposal permit to agree to improve access road to land in question, pay costs of future relocation of access road and signalize road at railroad crossing would be proper if road were a private road.

Richard A. Reid, Towson (Carroll W. Royston and Royston, Mueller, Thomas & McLean, Towson, on the brief), for appellant.

Harris James George, Deputy County Sol. and Jean G. Rogers, Asst. County Sol., Towson (R. Bruce Alderman, County Sol., Towson, on the brief), for appellees.

Before HAMMOND, C. J., and BARNES, McWILLIAMS, SINGLEY and SMITH, JJ.

SMITH, Judge.

Appellant (Tyler) brought an action in the court below against Baltimore County, the Chief of the Baltimore County Depart-

TYLER v. BALTIMORE COUNTY

Md. 705

Cite as 247 A.2d 704

ment of Public Works, the Baltimore County Health Officer and the Director of Permits and Licenses of Baltimore County praying issuance of the writ of mandamus ordering approval of his application to operate a sanitary landfill and directing issuance of such a permit.

This action grows out of the failure of the appropriate authorities in Baltimore County to process this application until after the institution of this proceeding.

The original application for a refuse disposal permit was submitted by Tyler and a corporation called "Land Reclamation, Inc." Tyler testified that the latter corporation was owned by him, his wife and his children. He further testified that with the approval of Land Reclamation, Inc., the disposal area was to be operated by Refuse Disposal, Inc., a corporation owned by him.

The initial landfill application was filed May 15, 1967. The Maryland State Department of Health issued a refuse disposal permit on June 30, 1967. The landfill application was approved by the Baltimore County Office of Planning and Zoning on July 12, 1967, and by the Baltimore County Fire Prevention Bureau on July 20, 1967. The petition for mandamus was filed September 29, 1967, alleging failure to continue processing the application. The Department of Public Works of Baltimore County and the Baltimore County Health Department each on October 26, 1967, disapproved the application. Thereupon an amended petition was filed.

The land involved is located east of North Point Boulevard on Norris Lane and is immediately adjacent to and east of the Philadelphia, Baltimore and Washington Railroad track. Norris Lane intersects North Point Boulevard.

Baltimore County Code (1966 Cumm. Supp.) § 13.35.1 "Regulations governing the storage, collection and disposal of refuse within Baltimore County" provides in pertinent part:

247 A.2d—45

"(a) General Provisions

* * * * *

"(5) No disposal site shall be established or operated without the approval of, and being subject to the regulations and requirements of, The Baltimore County office of Planning and Zoning, Department of Public Works, Fire Prevention Bureau, Department of Health, and the Maryland State Department of Health.

* * * * *

"(e) Refuse Disposal

* * * * *

"(3) *Sanitary landfills*: Any person disposing or contemplating disposal of refuse by burying * * * shall comply with the following general requirements:

* * * * *

"(H) An all-weather access road, negotiable by loaded collection vehicles, shall be provided to the entrance of the landfill site."

Tyler obtained the approval of all departments except the Baltimore County Department of Health and the Department of Public Works. The Baltimore County Department of Health in refusing the license said:

"The Baltimore County Department of Health is disapproving the application of Robb Tyler to operate a sanitary landfill because he has not obtained a proper refuse disposal permit from the State Department of Health. The permit from the State Department of Health (which has been submitted with the Robb Tyler application) accords permission to Refuse Disposal, Inc., to construct and operate a sanitary landfill; however, the application to Baltimore County makes no mention of Refuse Disposal, Inc., but instead names Robb Tyler as applicant and Land Reclamation, Inc., as lessee.

"As a point of guidance, applicant is informed that, in order to be acceptable to the Baltimore County Health Depart-

PFE

ORIGINAL
(Red)

PFE

ment, the State Department of Health permit must be issued to all owners of the property on which the landfill is to be operated, as well as to any person or corporation who or which might propose to operate said landfill."

The Department of Public Works based its refusal on the failure of Tyler to enter into a public works agreement as requested. The public works agreement desired would have required Tyler, among other things, to agree to provide improvement of Norris Lane from North Point Boulevard to the railroad by construction "* * * of a 15-inch roadway section with bituminous concrete surface in a 24-foot wide open section with 3-foot shoulders on a 50-foot right-of-way" at the expense of Tyler and to be financially responsible for having the railroad grade crossing signalized, together with all arrangements with the railroad to accomplish the signalization.

The lower court in a carefully reasoned opinion reviewed each of the reasons advanced by the county for not granting the permit. It held the action of the Health Department was not legally justified. It said:

"The local law, which is really in the form of regulations, does not specifically provide that the application shall be signed by all owners of the property, or that it shall also be signed by any and all persons or corporations which might propose to operate the landfill. If the legislative body enacting these regulations deemed it necessary to have the application so signed, it could have made provisions in the act. Of course the County argues because of the various matters of compliance and the penalty provision for violation of any regulation under the act, they should be entitled to have a responsible person sign the application. There may be some merit in this, but if that were so the County law should have provided and made it a requirement in the filing of the application that all owners and all operators should be a party to it. Of course, Doctor

Roop, as the Deputy State and County Health Officer, is the approving authority under these regulations."

[1] The lower court concluded that the Health Department's refusal was because of the form in which the application was presented and that the Health Department's action was not legally justified. We agree.

The Board of Public Works' action was predicated on highway comments, storm drain comments, water comments, sanitary sewer comments, general comments and division of land development comments. Interestingly enough, the general comments stated that its Bureau of Sanitation uses only a six inch cover of earth for each day's operation where Tyler was proposing to use eight inches. It is impossible to read those comments and ascertain precisely what was to be expected of the property owner as a condition precedent to the granting of a permit, but it would appear, among other things, that not only was the property owner expected to execute a public works agreement under which he would improve Norris Lane, but it was also expected that he would pay the cost of a relocation of Norris Lane at the time of construction of the Patapsco Expressway.

The lower court rested its denial of the writ of mandamus upon the right of the county to require an access road and the protection of the public in the matter of the railroad crossing although commenting:

"* * * I do not consider that a fifty foot right of way with twenty-four feet of paving was ever contemplated under these regulations in order to provide an all-weather access road."

[2,3] The general rule is firmly established that the petitioner in a mandamus proceeding must show both a clear legal right to which he is entitled and an imperative duty on the part of the respondent. *Bd. of County Com'rs v. Oxford Development Co.*, 209 Md. 373, 378, 121 A.2d 239

ORIGINAL
(Red)

PFE

TYLER v. BALTIMORE COUNTY

Md. 707

Cite as 247 A.2d 704

(1956). It is also a general principle of law that mandamus is not proper to review nonministerial acts of public officials or agents, but this Court has recognized that mandamus will lie to remedy arbitrary abuses of discretion. *State Dep't of Health v. Walker*, 238 Md. 512, 209 A.2d 555 (1965). Appellee argues the local authority has the power to adopt *ad hoc* regulations. In the latter case we said:

"* * * the Department is bound by its own regulations, just as are applicants for permits, and can not in approving or disapproving applications presented to it, depart from those regulations and make *ad hoc* decisions." *Id.* at 523, 209 A.2d at 561.

The record does not disclose whether or not Norris Lane is a public road. It was indicated at the argument that it is a public road from North Point Road to the railroad with some homes abutting thereon.

The proposition that there may be an assessment on an abutting property owner in connection with the improvement of a public road is well recognized. In *Silver Spring Memorial Post No. 2562, V.F.W. v. Montgomery County*, 207 Md. 442, 115 A.2d 249 (1955) we said:

"The law is firmly established in Maryland that in order to justify a special assessment for a local improvement such as the paving of a street, there must be both a public purpose and a special benefit to the properties to be assessed over and above that accruing to the public. (citing authorities) The difficulty of balancing the necessary public interest and the required special benefits to particular properties has often led to imposing a part of the cost on the community at large through general taxation and a part on properties specially benefited." *Id.* at 448, 115 A.2d at 251.

[4] We have been cited no authority and we are aware of no authority under which the county could require Tyler to acquire at Tyler's expense a right-of-way

for widening a public road and then require him to proceed to improve this public road at his expense to the county's specifications. This is not to be confused with the county's right to place a proportional assessment on him for improvement if he is an abutting property owner.

[5] If Norris Lane at its point of intersection with the Philadelphia, Baltimore and Washington Railroad right-of-way is a public road, then the cost of signalization is misplaced. Code (1966 Repl. Vol.) (Art. 23, § 205) provides:

"Every railroad company organized under this article shall be required to erect at all points where its road shall cross any public road, * * * a sign * * * to give notice of the proximity of the railroad * * *."

Section 227 of Art. 23 provides:

"Whenever the several railroads of this State shall cross any public highway at grade * * * and any such highway shall be believed to be of such a character as to render the passage of locomotives and trains thereon dangerous to life and property, it shall be the duty of the commissioners of the county in which such point of crossing shall be located, to notify the company owning or operating the railroad at such point, * * * that the said county commissioners will * * * consider the necessity of further protection against danger at said crossing; and if * * * said county commissioners * * * shall determine that such protection is necessary, they shall notify said railroad company * * * that * * * said railroad company shall either place a flagman at said crossing, * * * or a system of electric alarm bells, * * *; or shall change the said grade crossing so as to pass said highway with an under or over grade crossing * * *."

[6,7] If Norris Lane is a public road, then the county's reason for denying the license was not a proper one and, therefore, was arbitrary. Accordingly, we shall re-

GM 001726

ORIGINAL
(Red)

PFE

mand the case without affirmance or reversal in accordance with Maryland Rule 871 to determine the status of said road. If Norris Lane from the Tyler property to North Point Boulevard is determined to be a private road, then the action of the trial court is proper. If Norris Lane in said area is determined to be a public road, then the writ of mandamus should be issued commanding the issuance of the requested refuse disposal permit.

Remanded for further proceedings without affirmance or reversal, costs to await the final result.



A/C ELECTRIC COMPANY, Inc.

v.

AETNA INSURANCE COMPANY.

No. 394.

Court of Appeals of Maryland.

Nov. 15, 1968.

Suit by subcontractor against general contractor, general contractor's proprietor and payment bond surety for money alleged due under contract for electrical work. The Circuit Court for Prince George's County, J. Dudley Digges, C. J., entered judgment against general contractor and its owner and granted surety's motion for directed verdict. Subcontractor appealed. The Court of Appeals, Singley, J., held that where general contractor, an individual proprietorship indebted to subcontractor for electrical work, gave subcontractor 60-day note covering indebtedness, and note was guaranteed by proprietor, and labor and material payment bond identified proprietor as trading as general contractor, note created different obligation and was not merely collateral for debt, but surety on bond was not discharged by the unconsented to ex-

tension of time for payment except insofar as prejudiced by the extension.

Reversed and remanded for trial.

1. Principal and Surety ⇐105(3)

Where general contractor, an individual proprietorship indebted to subcontractor for electrical work, gave subcontractor 60-day note covering indebtedness, and note was guaranteed by proprietor, and labor and material payment bond identified proprietor as trading as general contractor, note created different obligation and was not merely collateral for debt, but surety on bond was not discharged by the unconsented to extension of time for payment except insofar as prejudiced by the extension.

2. Principal and Surety ⇐59

Silence on part of surety is not ordinarily regarded as acquiescence or consent to liability.

3. Insurance ⇐372(2)

An insurer may, by its conduct, be deemed to have waived a condition of its policy or some irregularity on the part of its insured if waiver would not extend coverage.

4. Principal and Surety ⇐105(3)

Where subcontractor accepted general contractor's 60-day note in substitution for amount due under subcontract without notice to surety, which had provided a payment bond, that time for payment had been extended, whether acceptance of note amounted to unreasonable extension of time or prejudiced surety were questions of fact for the jury.

Frank P. Flury, Riverdale, for appella

William A. Ehrmantraut, Rockville (Edward C. Donahue and James P. Gleason, Rockville, on the brief), for appellee.

Before HAMMOND, C. J., and MABURY, BARNES, FINAN, SINGLEY and SMITH, JJ.

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING Part Arrest Register No. _____
 Location Municipal Court Bldg-Madison & Guilford Issue date November 18, 1968
 To Colgate Pay Dump
Mr. Donald Siejack
 Address 6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitari Baltimore City Health Department who charges you with

violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as
ordained by Ordinance 1062 approved June 25, 1967, on the premises of 6721
Pulaski Highway in that the said Donald Siejack did unlawfully permit open
burning of trash material after being notified by the Commissioner of Health
on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____
☐ B. was committed on or about the 11th day of November, 1968
 and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 11th day of December, 1968 at 9:00 o'clock A. M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

Name: _____
Winston J. Miller, Prin. Sanitarian
 Address: Baltimore City Health Department
Bureau of Industrial Hygiene
 Official Agency: 602 American Building

(Seal)
 Judge, Municipal Court of Baltimore City
 presiding in Criminal Division HOUSING Part

NOTE: Section B is primarily for the use of the Housing Part.

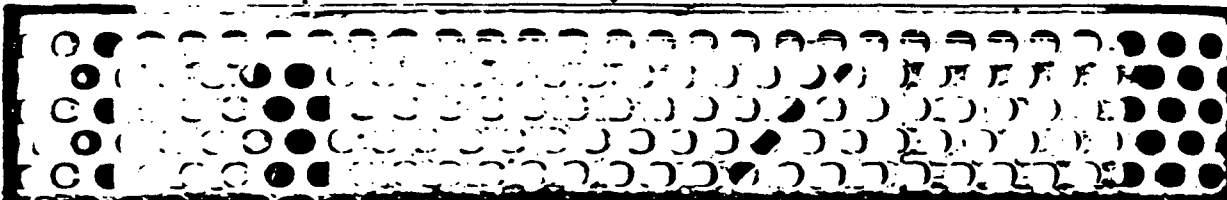
3-M. C. B. C.
 B

ORIGINAL

JM 001684
 0005318

*Probation - plus
 \$10.00 + costs
 Judge Proceedings
 12/11/68*

ORIGINAL
(Red) PFE



11-25-68

(date)

TO: Mr Donald Siepick
Calgate Payroll Dump
Rear 6721 Zulaefi N94
Baltimore, Md.

The above person and/or company
Air Pollution - Open Burning Of
1967 as a result of open burning

of Trash & brush
(material)

location Rear 6721



GM001681

0005315

BALTIMORE CITY HEALTH DEPARTMENT

MEMORANDUM

November 25, 1968

ORIGINAL FILE
(Red)

TO - Dr. Robert E. Farber, Commissioner of Health
FROM - Mr. Elkins W. Dahle, Jr., Director, Bureau of Industrial Hygiene
SUBJECT - SUMMONS

It is respectfully requested that permission be granted for the issuance of a SUMMONS for the Colgate Pay Dump, Mr. Donald Siejack, owner, for violation of the Air Pollution - Open Burning Ordinance No. 1062 of Baltimore City.

E. W. Dahle, Jr.

APPROVED:

Robert E. Farber, M.D.

Commissioner of Health

EWDJr:pb

cc: Mr. Schucker

GM 001672

0005306

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

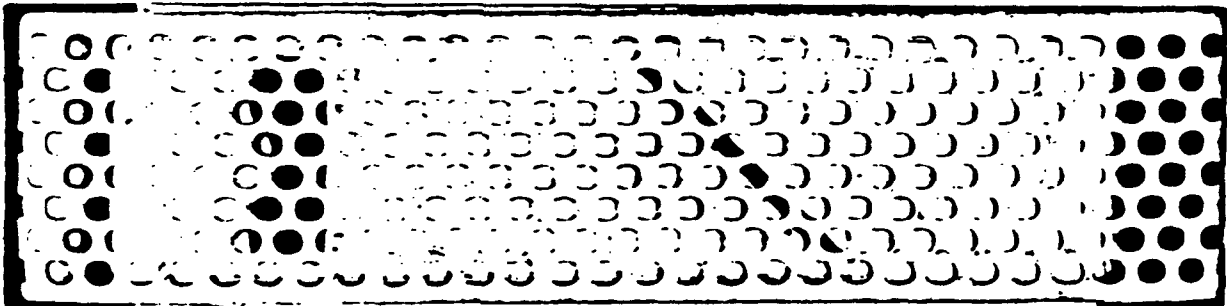
ORIGINAL
(Red)
PFE

11/26/68
(date)

TO: DONALD SIEJACK
COLGATE PASTY DUMP
6721 PULASKI HWY
BKLT MD

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26,
1967 as a result of open burning at 11:45 AM on 11/26/68
(time) (date)
of BRUSH TREE LIMBS at the following
(material)
location 6721 PULASKI HWY

R. K. K. K.
Sanitarian



GM 001673
0005307

MEMORANDUM

November 27, 1968

ORIGINAL
(Red)

PFE

TO — Dr. Robert E. Farber, Commissioner of Health
FROM — Mr. Elkins W. Dahle, Jr., Director, Bureau of Industrial Hygiene
SUBJECT — SUMMONS

It is respectfully requested that permission be granted for the issuance of a SUMMONS for the Colgate Pay Dump, Mr. Donald Siejack, owner, for violation of the Air Pollution - Open Burning Ordinance No. 1062 of Baltimore City.

Elkins W. Dahle Jr.

APPROVED:

Robert E. Farber, M.D.

Commissioner of Health

EWDJr:pb

cc: Mr. Schucker

GM .001680

In The Municipal Court of Baltimore City, Criminal Division, HOUSING

129 — P. B. ORIGINAL
(1968)
PFF

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING Part Arrest Register No. _____
Location Municipal Court Bldg-Madison & Guilford Issue date November 27, 19 68.
To Colgate Pay Dump
Mr. Donald Siejack
Address 6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitarian Baltimore City Health Department who charges you with violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as ordained by Ordinance 1062 approved June 26, 1967, on the premises of 6721 Pulaski Highway in that the said Donald Siejack did unlawfully permit open burning of trash material and brush after being notified by the Commissioner of Health on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____
☐ B. was committed on or about the 25th day of November, 1968
and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 18th day of December, 1968 at 9:00 o'clock A.M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

Name: _____
Winston J. Miller, Prin. Sanitarian
Address: Baltimore City Health Department
Bureau of Industrial Hygiene
Official Agency: 502 American Building

Judge, Municipal Court of Baltimore City
presiding in Criminal Division HOUSING Part

NOTE: Section B is primarily for the use of the Housing Part.

3 — M. C. B. C.
B

ORIGINAL

*Siejack did not show 12-18-68
Warrant issued - 9:00 am
Letter to judge B. received after
requesting 30 days hearing
court (Seal)
Ritz seeks
Probation without
verdict - 500 costs
0005305*

In The Municipal Court of Baltimore City, Criminal Division, HOUSING Part

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING Part Arrest Register No. _____
 Location Municipal Court Bldg-Madison & Guilford Issue date December 4, 1968
 To Colgate Pay Dmp
Mr. Donald Siejack
 Address 6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitarian, Baltimore City Health Department who charges you with violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as ordained by Ordinance 1062 approved June 26, 1967, on the premises of 6721 Pulaski Highway in that the said Donald Siejack did unlawfully permit open burning of brush and tree limbs after being notified by the Commissioner of Health on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____.
- ☐ B. was committed on or about the 26th day of November, 1968
- and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 18th day of December, 1968 at _____ o'clock A. M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

Name: _____
Winston J. Miller, Prin. Sanitarian
 Address: Baltimore City Health Department
Bureau of Industrial Hygiene
 Official Agency: 602 American Building

GM 001674

 Judge, Municipal Court of Baltimore City (Seal)
 presiding in Criminal Division HOUSING Part

NOTE: Section B is primarily for the use of the Housing Part.

S—M. C. B. C.
 B

ORIGINAL

no record in court
 1-21-69 0005308

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

ORIGINAL
(Red)
PFE

Feb-20, 1969

TO: Celgate Pump Co
6721 PULASKI HIGHWAY
BALTIMORE MD

Owner of Company became
very belligerent when
approached and ordered
Sanitarian off the property.
Sanitarian notified owner that

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26,
1967 as a result of open burning at 5 pm on Feb-20, 1969

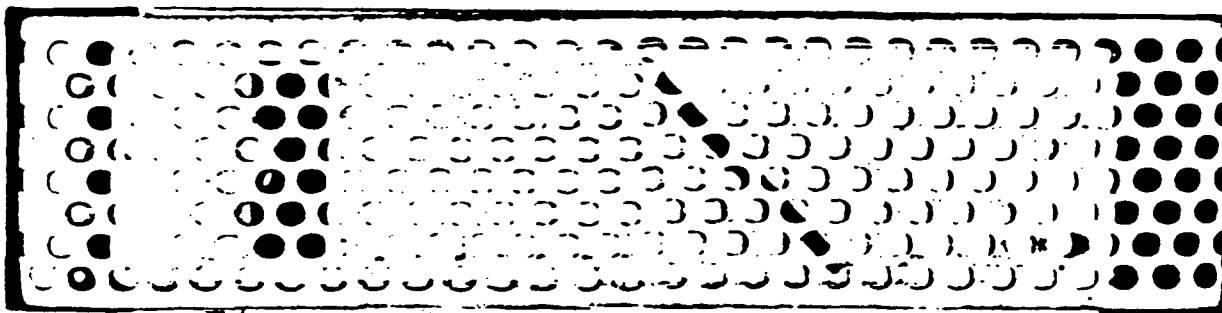
Fire Dept.
would
be
called.

3 separate areas burning
of trash bags, debris, etc at the following
(material)

Location 6721 PULASKI HIGHWAY

Gate was
locked as
Sanitarian
left the
property.

Sanitarian Moses Jones



GM 001678
0005312

ORIGINAL
(Red)

PFE

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

April 7, 1969

TO: MR. DONALD SIESACK
COLGATE PAY DUMP
6721 PULASKI HIGHWAY

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26,
1967 as a result of open burning at _____ on APRIL 7, 1969

(time) (date)

of TRASH-DEMOLITION RUBBLE- VARIOUS DEBRIS ETC
(material) at the following

Location COLGATE PAY DUMP

Sanitarian _____

GM 001669

0005303

ORIGINAL
(Red)

PFF

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF INDUSTRIAL HYGIENE

April 7, 1969

TO: MR DONALD SIESACK
COLCATZ RAY DUMP
6721 PULASKI HIGHWAY

The above person and/or company was observed in violation of the
Air Pollution - Open Burning Ordinance No. 1062 approved June 26, 1967
as a result of open burning at _____ on April 7, 1969

_____ (time) _____ (date)
of TRASH _____ at the following
Location COLCATZ RAY DUMP
(material)

Sanitarian _____

GM 001670

0005304

In The Municipal Court of Baltimore City, Criminal Division, HOUSING Part

SUMMONS

Under Article 52, Section 23, Annotated Code
of Maryland 1957 as amended

HOUSING Part Arrest Register No. _____
 Location MUNICIPAL COURT BLDG-Madison & Guilford Issue date April 11, 1969
 To Colgate Pay Dump
 Mr. Donald Siejack
 Address 6721 Pulaski Highway

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

Whereas, complaint has been made before me, the subscriber, a Judge of the Municipal Court of Baltimore City, in the State of Maryland, presiding in the Criminal Division HOUSING Part of said Court upon the information and oath of Mr. Winston J. Miller, Principal Sanitarian, Baltimore City Health Department who charges you with

violation of Section 16C of Article 11 of the Baltimore City Code of 1966, as ordained by Ordinance 1062 approved June 26, 1967, on the premises of 6721 Pulaski Highway in that the said Donald Siejack did unlawfully permit open burning of trash, demolition rubble and various debris on April 7, 1969 after being notified by the Commissioner of Health on or about July 8, 1968 that such open burning is prohibited.

in Baltimore City, in the State of Maryland, and that said offense:

- ☐ A. was committed on or about the _____ day of _____, 19____
☐ B. was committed on or about the 7th day of April, 1969
 and did continue to be committed on or about the following days and dates: _____

You are therefore, pursuant to law, summoned to appear before me, or any other Presiding Judge of the Municipal Court of Baltimore City in the said HOUSING Part on the 7th day of May, 1969 at 9:00 o'clock A. M., to be dealt with according to law.

Given under my hand and seal this _____ day of _____, 19____

Name: _____

Winston J. Miller, Prin. Sanitarian
 Address: Baltimore City Health Department
Bureau of Industrial Hygiene
 Official Agency: 602 American Building

GM 001668

0005302

(Seal)

Judge, Municipal Court of Baltimore City
 presiding in Criminal Division HOUSING Part

*July 9, 1969 - Judge Broccoli
 City - 300+ costs - fine suggested
 court costs are paid. Probation for
 1. fine must pay fine*

A
F
T

July 18, 1969

Mr. Donald A. Siejack
6721 Pulaski Highway
Baltimore, Maryland 21237

SUBJECT: 30-Day Temporary Permit for Sanitary Landfill

*Copy
of
Draft*
PHE

Dear Mr. Siejack:

Your application to the Department of Housing and Community Development for a temporary sanitary landfill permit at 6721 Pulaski Highway has been referred to me for determination as responsibility for sanitary landfills is vested in the Department of Public Works.

Your application has been reviewed by the Baltimore City Health Department and the Fire Department. We will issue you a permit for 30 days operation providing that:

1. A bond in the amount of \$20,000 is provided to the City for any expenses which may be incurred by the City in controlling fires or in correcting unsatisfactory operation of the sanitary landfill under this permit. Bond will also be subject to forfeiture if the conditions below are not complied with in every respect.
2. ^{FIRST,} A bern of earth without any combustible material at least 8' deep is placed and compacted at this location.
3. Lifts of all waste material received not more than 20' wide are to be placed and compacted parallel to the bern and completely covered with a minimum of 1' of compacted earth at the end of each day's operation thus completing a cell of compacted refuse completely surrounded with compacted earth each day.

0 03504

July 18, 1969

ORIGINAL
JUL 23 1969

PFE

4. No salvage operation shall be conducted on the property.
5. Existing metal materials at other locations on the property shall be removed from the property or buried within the 30-day period.
6. All other existing combustible material on the property shall be removed or compacted and covered within the 30-day period.
7. Sufficient good earth cover material shall be stock-piled in advance of each day's operation.
8. No burning shall be permitted on the property at any time. Water shall be provided to assist in putting out any accidental fires which may occur. An operable water tank truck with pump and hose shall be the minimum equipment necessary to meet this requirement.
9. The necessary heavy equipment such as dozers, front-end loaders, etc. shall be maintained in good operating condition at all times.
10. Any day that personnel and equipment is not available to carry out the operation as outlined above waste materials should not be accepted at the fill.
11. Stock pile of earth cover material will be maintained immediately adjacent for fire prevention purposes.

It is further expressly understood that temporary operation will be limited to the area agreed to by the Health Department, yourself, and Mr. Martin located on the southern part of the subject property and running generally parallel to the southern property line; the site being free from and remote from

0 03505

Mr. Donald A. Siejack

- 3 -

July 18, 1969

any combustible material on the property. This is the same site mentioned in the Baltimore City Health Department letter of June 20, 1969, with reference to the subject permit.

Sincerely,

BUREAU HEAD

CEW/vt

cc: Dr. F. Pierce Linaweaver

Fire Department

Dr. Robert E. Farber

Mr. J. William Martin

Mr. Dahle

Mr. Sachs

Mr. Childs

Mr. Ottavio F. Grande

Mr. George W. Schucker

0 03506

BALTIMORE CITY HEALTH DEPARTMENT

MEMORANDUM

July 25, 1969

TO - Mr. C. Edward Walter

FROM - Mr. George W. Schucker

SUBJECT - 30-Day Temporary Permit for Sanitary Fill (Donald A. Siejack)

Following my sending the letter of June 30, 1969 to Mr. Grande concerning the temporary landfill permit, Mr. Martin contacted us and requested us to modify the #2 requirement in our letter because of the volume of clean earth required. After considerable discussion we did agree to a modification which we believe will accomplish the same purpose.

We therefore suggest that #2 in your draft be dropped and #3 be changed as follows:

"Lifts of all waste material received, not more than 20' wide, are to be placed, compacted and completely covered with a minimum of 1' of compacted earth at the end of each day's operation thus completing a cell of compacted refuse completely surrounded with compacted earth each day. The first lifts, which are to be placed parallel to the southern property line of Mr. Siejack's property, shall be located a minimum of 20' from the property line or the existing sloping bank and the southern side of the cell shall be covered with clean earth compacted on a 2 to 1 slope."

Other than the above changes which you were not aware of we think your proposed letter is fine.

GWS:MM

George W. Schucker

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15-
D.T.L. & W.M.
Reviews & Return
EWS
JGM-8-5-69

C. EDWARD WALTER, P. E.
BUREAU HEAD



L. Siejack
ORIGINAL
(Red)
PFE

DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
MUNICIPAL BUILDING
BALTIMORE, MARYLAND 21202

July 29, 1969

Mr. Donald A. Siejack
6721 Pulaski Highway
Baltimore, Maryland 21237

SUBJECT: 30-Day Temporary Permit for Sanitary Landfill

Dear Mr. Siejack:

Your application to the Department of Housing and Community Development for a temporary sanitary landfill permit at 6721 Pulaski Highway has been referred to me for determination as responsibility for sanitary landfills is vested in the Department of Public Works.

Your application has been reviewed by the Baltimore City Health Department and the Fire Department. We will issue you a permit for 30 days operation providing that:

1. A bond in the amount of \$20,000 is provided to the City for any expenses which may be incurred by the City in controlling fires or in correcting unsatisfactory operation of the sanitary landfill under this permit. Bond will also be subject to forfeiture if the conditions below are not complied with in every respect.
2. Lifts of all waste material received, not more than 20' wide, are to be placed, compacted and completely covered with a minimum of 1' of compacted earth at the end of each day's operation thus completing a cell of compacted refuse completely surrounded with compacted earth each day. The first lifts, which are to be placed parallel to the southern property line of Mr. Siejack's property, shall be located a minimum of 20' from the property line or the existing sloping bank and the southern side of the cell shall be covered with clean earth compacted on a 2 to 1 slope.
3. No salvage operation shall be conducted on the property.
4. Existing metal materials at other locations on the property shall be removed from the property or buried within the 30-day period.

GM 001631

0005250

ORIGINAL
(Red)

Mr. Donald A. Siejack

- 2 -

July 29, 1969

5. All other existing combustible material on the property shall be removed or compacted and covered within the 30-day period.
6. Sufficient good earth cover material shall be stock-piled in advance of each day's operation.
7. No burning shall be permitted on the property at any time. Water shall be provided to assist in putting out any accidental fires which may occur. An operable water tank truck with pump and hose shall be the minimum equipment necessary to meet this requirement.
8. The necessary heavy equipment such as dozers, front-end loaders, etc., shall be maintained in good operating condition at all times.
9. Any day that personnel and equipment is not available to carry out the operation as outlined above waste materials should not be accepted at the fill.
10. Stock pile of earth cover material will be maintained immediately adjacent for fire prevention purposes.

It is further expressly understood that temporary operation will be limited to the area agreed to by the Health Department, yourself, and Mr. Martin located on the southern part of the subject property and running generally parallel to the southern property line; the site being free from and remote from any combustible material on the property. This is the same site mentioned in the Baltimore City Health Department letter of June 20, 1969, with reference to the subject permit.

Sincerely,



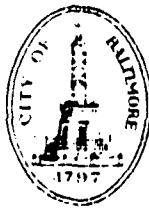
BUREAU HEAD

CEW/vt

cc: Dr. F. Pierce Linaweaver
Fire Department
Dr. Robert E. Farber
Mr. J. William Martin
Mr. Elkins W. Dahle, Jr. ✓
Mr. C. Edward Sachs
Mr. John A. Childs
Mr. Ottavio F. Grande
Mr. George W. Schucker

GM 001632

0005251



C. EDWARD WALTER, P. E.
BUREAU HEAD

DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
MUNICIPAL BUILDING
BALTIMORE, MARYLAND 21202

Subst. 10/1/69
Reg PFE

October 1, 1969

Mr. Donald A. Siejack
6721 Pulaski Highway
Baltimore, Maryland 21237

SUBJECT: 30-Day Temporary Permit for Sanitary
Landfill, 6721 Pulaski Highway

Dear Mr. Siejack:

On July 29, 1969, I notified you that your permit for a landfill operation at the subject location had expired. In the same communication several criteria were mentioned which required your agreement prior to the issuance of a temporary permit. I have not heard from you to date.

You may consider this final notice that if the terms set forth in my letter of July 29, 1969, requisite to the issuance of a permit by me are not complied with by October 15, 1969, I shall request the City Law Department to take action as you are operating a sanitary landfill without a permit in violation of City Code, Article 19, Section 122, which says in part, "Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not exceeding fifty dollars (\$50.00) for each and every such offense."

I await your immediate reply in this matter.

Sincerely,

BUREAU HEAD

CEW/vt

APPROVED:

Director of Public Works

cc: Hon. George L. Russell, Jr.
Mr. George W. Schucker ✓

0 03503

Summary and Recommendations

The former 68th Street Dump (Robb Tyler Dump), which is located south of the B&O Railroad between 6800-7200 Pulaski Highway, Baltimore County, operated under several Health Department permits from approximately December 1953 to the later 1960s. A second site, which is separated from the 68th Street facility by Herring Run, was leased from Industrial Enterprises, Inc., and operated from about 1955-1959. Though run concurrently with the former for a period of years, the Industrial Enterprises site is listed separately and is covered under another preliminary assessment.

Permitted by the State Health Department on September 16, 1953, the first section of the fill, which handled predominately industrial trash from Baltimore City, consisted of approximately 30 acres and was described as being located south of junction of Moores Run and the B&O Railroad. Photos and inspection reports covering the lifespan of this section of the fill (1953-1956) show and describe numerous oil pits used for the disposal of liquid waste, large accumulations of 55-gallon drums stacked for salvage, and the indiscriminate dumping of liquid waste from a vacuum truck. Moreover, these early reports describe numerous fires, complaints of repugnant odors from nearby citizens, and water pollution problems pursuant to the discharge of oil and/or refuse to Herring and Moores Runs. In general, the fill was considered as a nuisance during the course of its operating history.

Following the closure of the first section of the fill in early 1956, operations were shifted to the Industrial Enterprises site where they remained until January 1957. At that time, Tyler was issued a new permit for the tract of land adjacent to the original section filled on the north side of Herring Run. At first, operations here consisted of the construction of a new office and garage complex, but were later enlarged to include salvaging operations, the burning of refuse in an incinerator, and the landfilling of both refuse and incinerator ash including ash from the Baltimore City incinerator. At some time in this period, a bridge was constructed across Herring Run connecting the operations on both sides of the river.

After 1960, further information covering the operation of the Tyler property are virtually nonexistent. However, the site is believed to have been closed some time in 1961. Since that time, portions of the fill have been sold or traded to new owners who include the Mayor and City Council of Baltimore, the Chessie Railroad, and the 20/20 Broadcasting Company. The refuse collection business operated by Robb Tyler, Inc. was sold to Browning-Ferris Industries which rents the 68th Street complex from the Tyler's.

During a photographic survey conducted by WMA personnel on June 28, 1984, approximately 10 55-gallon drums were discovered protruding from a hillside on the Tyler property which is now rented by Browning-Ferris Industries. Upon removal of the drums by MWR, Inc., a licensed hazardous waste contractor, one of the drums was found to contain paint sludge which was removed to a licensed TSD facility.

NEAR ROSEDALE

ORIGINAL
REFUSE DISPOSAL (RSD)
September 2, 1955

BALTIMORE COUNTY

61

PFE ORIGINAL

ROBB TYLER DUMP: Dumping oil and grease from barrels.



NEAR ROSEDALE

REFUSE DISPOSAL
September 2, 1955

BALTIMORE COUNTY

ROBB TYLER DUMP: Showing smoke in background from
Robb Tyler Dump.

